



## HOUSE OF REPRESENTATIVES

### COMMITTEE ON JUDICIARY

REP. KELLY A BREEN

CHAIR

## COMMITTEE MEETING MINUTES

Wednesday, March 22, 2023

10:30 AM

Room 521, House Office Building

The House Committee on Judiciary was called to order by Chair Breen.

The Chair requested attendance be called:

Present: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Absent: Rep. Hoskins.

Excused: Rep. Hoskins.

Representative Edwards moved to adopt the meeting minutes from March 15, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4021 before the committee:

HB 4021 (Rep. VanderWall)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81132, 81145, 81146, and 81150 (MCL 324.81101, 324.81132, 324.81145, 324.81146, and 324.81150), section 81101 as amended by 2020 PA 385 and sections 81132, 81145, 81146, and 81150 as added by 1995 PA 58.

The following person submitted a card in support of HB 4021, but did not wish to speak:  
Taylor Riddenbusch, representing the Michigan Department of Natural Resources.

Representative Arbit moved to report out HB 4021 with recommendation. The motion prevailed 12-0-0:

### FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

At 10:45 AM, the Chair laid the committee at ease.

At 10:59 AM, the Chair called the committee back to order.

The Chair laid HB 4021, HB 4139, HB 4140, HB 4141, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85 and SB 86 before the committee:

- |                           |   |
|---------------------------|---|
| HB 4021 (Rep. VanderWall) | A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81132, 81145, 81146, and 81150 (MCL 324.81101, 324.81132, 324.81145, 324.81146, and 324.81150), section 81101 as amended by 2020 PA 385 and sections 81132, 81145, 81146, and 81150 as added by 1995 PA 58.   |
| HB 4139 (Rep. MacDonell)  | A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2016 PA 234.   |
| HB 4140 (Rep. Whitsett)   | A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4ll.  |
| HB 4141 (Rep. Price)      | A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ll.  |
| HB 4144 (Rep. Brabec)     | A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 15 (MCL 28.435), as added |

by 2000 PA 265, and by adding section 9.

HB 4145 (Rep. Puri)

A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual's firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.

HB 4146 (Rep. Breen)

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and sections 5b and 8 as amended by 2017 PA 95.

HB 4147 (Rep. Brixie)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1908, 2529, and 2559 (MCL 600.1908, 600.2529, and 600.2559), section 2529 as amended by 2014 PA 532 and section 2559 as amended by 2018 PA 261.

HB 4148 (Rep. Young)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.

SB 76 (Sen. Hertel)

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying

of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 1, 2, 2a, 2b, 12, and 14a (MCL 28.421, 28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 1 as amended by 2017 PA 95, section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, section 2b as amended by 2014 PA 205, section 12 as amended by 2010 PA 209, and section 14a as added by 2010 PA 295.

SB 77 (Sen. Moss)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223 and 232a (MCL 750.223 and 750.232a), section 223 as amended by 2012 PA 242 and section 232a as amended by 1990 PA 321.

SB 78 (Sen. Cavanagh)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2016 PA 234 and section 16m as amended by 2018 PA 637.

SB 79 (Sen. Bayer)

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to

make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 15 (MCL 28.435), as added by 2000 PA 265, and by adding section 9.

- SB 80 (Sen. McDonald Rivet) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2016 PA 234.
- SB 81 (Sen. Irwin) A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ll.
- SB 82 (Sen. Chang) A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4ll.
- SB 83 (Sen. McMorrow) A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual's firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.
- SB 84 (Sen. Polehanki) A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and sections 5b and 8 as amended by 2017 PA 95.

SB 85	(Sen. Anthony)	A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.
SB 86	(Sen. Singh)	A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1908, 2529, and 2559 (MCL 600.1908, 600.2529, and 600.2559), section 2529 as amended by 2014 PA 532 and section 2559 as amended by 2018 PA 261.

Representative Brabec; Representative MacDonell; Bill Flory, representing the Michigan Association of Justice; and Tonya Schardt, representing Brady, testified in support of HB 4139, HB 4140, HB 4141, HB 4144, SB 79, SB 80, SB 81 and SB 82. Questions and discussion followed.

Austin Kreutz, representing the Bonhoeffer Forum, testified in opposition to HB 4139, HB 4140, HB 4141, HB 4144, SB 79, SB 80, SB 81 and SB 82. Questions and discussion followed.

Tom Lambert, representing Michigan Open Carry, testified in opposition to HB 4139, HB 4140, HB 4141, HB 4144, SB 79, SB 80, SB 81 and SB 82. Questions and discussion followed.

The following person submitted a card in support of HB 4139, HB 4140, HB 4141, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85 and SB 86, but due to the time constraints was unable to speak:

Mitch Albers, representing the Michigan Department of Attorney General.

The following person submitted a card with a neutral position on HB 4145 and SB 83, but due to the time constraints was unable to speak:

Chief David Kirk, representing the Michigan Association of Chiefs of Police.

The following people submitted a card in opposition to HB 4139, HB 4140, HB 4141, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85 and SB 86, but due to the time constraints were unable to speak:

Christopher Lee, representing the National Shooting Sports Foundation.

Brenden Boudreau, representing the Great Lakes Gun Rights.

The following people submitted a card in support of HB 4139, HB 4140, HB 4141, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148, but did not wish to speak:

Catherine Marshall, representing Moms Demand Action / End Gun Violence Michigan.

Kelly Cleland, representing UMC - End Gun Violence Michigan.

Heather Schroeder, representing UMC - End Gun Violence Michigan.

Nicole Webb, representing UMC - End Gun Violence Michigan.

Laura Labarre, representing UMC - End Gun Violence Michigan.

Reverend Heather McDougall-Walsh, representing UMC - End Gun Violence Michigan.

Ruth Ann Church, representing UMC - End Gun Violence Michigan.

The following person submitted a card in support of HB 4139, HB 4140, HB 4141, HB 4144,

HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85 and SB 86, but did not wish to speak:

Dwayne Gill with GCSI, representing the Alliance for Gun Responsibility.

The following person submitted a card in support of HB 4139, HB 4140, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 84, SB 85 and SB 86, but did not wish to speak:

Stephanie Johnson, representing the Michigan Association of Chiefs of Police.

The following person submitted a card in support of HB 4139 and HB 4144, but did not wish to speak:

Trooper Kristina Droste, representing the Michigan State Police.

The following people submitted a card in support of HB 4140, HB 4141, SB 81 and SB 82, but did not wish to speak:

Amy Trotter, representing the Michigan United Conservation Clubs.

Rob Anderson, representing the Michigan Farm Bureau.

The following people submitted a card in opposition to HB 4139, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 83, SB 84, SB 85 and SB 86, but did not wish to speak:

Keith Shafer, representing the Michigan Bear Hunters Association.

Rob Anderson, representing the Michigan Farm Bureau.

Mike Thorman, representing the Michigan Hunting Dog Federation.

Joe Hudson, representing the UP Bear Houndsmen Association.

Dave Johnson, representing the UP Sportsmens Alliance.

Roger Thorman, representing the Michigan State Foxhunters Association.

Dale Hendershot, representing the Michigan Trappers and Predator Callers Association.

Steve Dey, representing the Straits Area Sportsmen's Club.

Jim Wale, representing the Michigan State United Coon Hunters Association.

Amy Trotter, representing the Michigan United Conservation Clubs.

The following person submitted a card in support of HB 4145 and SB 83, but did not wish to speak:

Thadd Gormas, representing the Michigan Academy of Physician Assistants.

The following person submitted a card in opposition to HB 4139, HB 4140, HB 4141, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85 and SB 86, but did not wish to speak:

Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners.

The following person submitted a card in support of HB 4140, HB 4141, SB 81 and SB 82, but did not wish to speak:

Rob Mass, representing the Michigan Department of Treasury.

The following person submitted a card in opposition to HB 4144, HB 4145 and SB 83, but did not wish to speak:

Matt Saxton, Executive Director, representing the Michigan Sheriffs' Association.

The following person submitted a card in support of SB 76 and SB 79, but did not wish to speak:

Matt Saxton, Executive Director, representing the Michigan Sheriffs' Association.

The following person submitted a card in support of HB 4140, HB 4141, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82, SB 83, SB 84, SB 85 and SB 86, but did not wish to speak:

Anne Kuhnen, representing the Michigan League for Public Policy - Kids Count.

Representative Edwards moved to adopt substitute (H-1) to HB 4139. The motion prevailed 7-2-3:

**FAVORABLE ROLL CALL**

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Wozniak, Johnsen.

Pass: Reps. Fink, Wendzel, Outman.

Representative Dievendorf moved to report out HB 4139 with recommendation, as substitute (H-1). The motion prevailed 7-4-1:

**FAVORABLE ROLL CALL**

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Johnsen.

Pass: Rep. Outman.

Representative Hope moved to adopt substitute (H-2) to HB 4140. The motion prevailed 7-0-5:

**FAVORABLE ROLL CALL**

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Representative Tyrone Carter moved to report out HB 4140 with recommendation, as substitute (H-2). The motion prevailed 7-4-1:

**FAVORABLE ROLL CALL**

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Johnsen.

Pass: Rep. Outman.

Representative Tsernoglou moved to adopt substitute (H-2) to HB 4141. The motion prevailed 7-0-5:

**FAVORABLE ROLL CALL**

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Representative Arbit moved to report out HB 4141 with recommendation, as substitute (H-2). The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Pass: None.

Representative Edwards moved to adopt substitute (H-1) to HB 4144. The motion prevailed 7-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Representative Edwards moved to report out HB 4144 with recommendation, as substitute (H-1). The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Pass: None.

Representative Tyrone Carter moved to adopt substitute (H-1) to SB 79. The motion prevailed 7-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Representative Hope moved to report out SB 79 with recommendation, as substitute (H-1). The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Pass: None.

Representative Edwards moved to adopt substitute (H-1) to SB 80. The motion prevailed 7-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Representative Hope moved to report out SB 80 with recommendation, as substitute (H-1). The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Pass: None.

Representative Dievendorf moved to report out SB 81 with recommendation. The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Pass: None.

Representative Edwards moved to report out SB 82 with recommendation. The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Pass: None.

Representative Tsernoglou moved to excuse Representative Hoskins from the meeting. There being no objection the motion prevailed by unanimous consent.

There being no further business before the committee, Chair Breen adjourned the meeting at 11:58 AM.

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Representative Kelly Breen, Chair

Melissa Sweet  
Committee Clerk  
msweet@house.mi.gov